

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :	§ Before the Examiner
Chow et al.	§ Pasterczyk, James W.
Serial No. 10/693,424	§ Group Art Unit No.1755
Filed: 24-Oct-2003	§ Attorney Docket Number 2003B014/2
For: POLYMERIZATION	§
CATALYST COMPOSITION	§

MAIL STOP PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Affidavit Under 37 CFR 1.132
Attributing a Reference To the Applicant

Dear Sir:

This Affidavit is submitted to offer a showing that Chinese Patent Nos. CN 1352203A to Jin et al. (Jin I), and CN1371924A to Jin et al. (Jin II) cited as prior art under 35 USC §103(a) in the above referenced Patent Application are not statutory bars, and are Applicants' own work, and thus should be removed from consideration as references in the prosecution of the above referenced Patent Application.

According to MPEP 715.01(c), unless a reference is a statutory bar, a rejection based on a publication may be overcome by a showing that it was published either by applicant himself or on his behalf.

Jin I was published June 5, 2002. Jin II was published October 2, 2002. The instant application claims priority to USSN 60/446,607 filed February 11, 2003. The instant application was filed less than one year prior to the publication of either Jin I or

- 2 -

Jin II. Neither Jin I nor Jin II is may act as a statutory bar against the instant application since they fail to satisfy the 1-year time requirement under 35 USC §102(b.)

According to MPEP §716.10, under certain circumstances an affidavit or declaration may be submitted which attempts to attribute an activity, reference or part of a reference to the applicant. If successful, the activity or the reference is no longer applicable. The statute requires an unequivocal declaration by applicant under 37 CFR § 1.132, that he conceived or invented the subject matter disclosed in the patent or published application. Disclaimer by the other patentee or other applicant of the published application should not be required.

Jin I lists the following inventors:

Guo-Xin Jin

Dao Zhang

Jin II lists the following inventors:

Guo-Xin Jin

Dao Zhang

Li Xiaoming

Accordingly, both Guo-Xin Jin and Dao Zhang are listed inventors of the instant application, Jin I and Jin II.

AFFIDAVIT UNDER 37 CFR 1.132

Under 37 CFR § 1.132: Affidavits or Declarations Traversing Rejections or Objections, when any claim of an application or a patent under reexamination is rejected or objected to, any evidence submitted to traverse the rejection or objection on a basis not otherwise provided for must be by way of an oath or declaration under this section.

Declaration by Guo-Xin Jin

1. My name is Guo-Xin Jin

Mailing address: 10-501 Xin Shi Nan Road 533
Shanghai, China 200434

2. I, Guo-Xin Jin, am a listed as an inventor of the present application, of Chinese Patent No. CN 1352203A, and of Chinese Patent No. CN1371924A.

- 3 -

3. I, Guo-Xin Jin, make the unequivocal declaration that I conceived or invented the subject matter disclosed in Chinese Patent No. CN 1352203A, and Chinese Patent No. CN1371924A.

Date:

Guo-Xin Jin**Declaration by Dao Zhang**

1. My name is Dao Zhang

Mailing address: Ren Min Road 159
Changchun, China 130022

2. I, Dao Zhang, am a listed as an inventor of the present application, of Chinese Patent No. CN 1352203A, and of Chinese Patent No. CN1371924A.

3. I, Dao Zhang, make the unequivocal declaration that I conceived or invented the subject matter disclosed in Chinese Patent No. CN 1352203A, and Chinese Patent No. CN1371924A.

X 23.09.2005
Date:

X Dao Zhang
Dao Zhang

In the event the fee is required for this affidavit, the USPTO is authorized to charge the fee to deposit account number 05-1712.

- 4 -

Accordingly, Applicant has met both requirements under MPEP 716.10 to have Jin I and Jin II removed as a reference and thus, Applicants respectfully request that Jin I and Jin II be removed.

Respectfully submitted,

Oct 3, 2005

Date:

Catherine L. Bell

Catherine L. Bell
Registration No. 35,444
Attorney for Applicant

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23. 09. 2005
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Guo Xin Jin
Guo-Xin Jin

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